

**FILED**

7-26-16

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company in its 2015 Nuclear Decommissioning Cost Triennial Proceeding (U39E).	Application 16-03-006 (Filed March 1, 2016)
---	--

**ADMINISTRATIVE LAW JUDGE'S RULING ON ALLIANCE FOR NUCLEAR  
RESPONSIBILITY'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

<b>Party intending to claim intervenor compensation:</b> Alliance for Nuclear Responsibility	
<b>Assigned Commissioner:</b> Michel Peter Florio	<b>Administrative Law Judge:</b> Maribeth A. Bushey

**PART I: PROCEDURAL ISSUES**  
(Completed by the party intending to claim intervenor compensation)

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)):<sup>1</sup></b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
1. A <b>Category 1</b> customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers.  In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.	<input type="checkbox"/>
2. A <b>Category 2</b> customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.  A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. See D.98-04-059 at 30.	<input type="checkbox"/>
3. A <b>Category 3</b> customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or	

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

small commercial customers receiving bundled electric service from an electrical corporation. <sup>2</sup> Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. <i>See</i> D.98-04-059, footnote at 3.	<input checked="" type="checkbox"/>
<p>The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>The Alliance for Nuclear Responsibility (A4NR) represents both residential and small business customers on nuclear energy issues before California and Federal regulatory agencies, the Legislature, and Congress. A4NR provided its articles of incorporation and bylaws in the Amended NOI it submitted on August 13, 2015 in A.14-12-007 in response to ALJ Bushey's ruling of August 4, 2015. They remain unchanged since that submittal.<sup>3</sup> A4NR estimates that more than 90% of its members are residential customers receiving bundled electricity service from PG&amp;E, SCE or SDG&amp;E. A4NR believes that both its residential and small business customer constituents share identical interests in this proceeding.</p>	
<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</b>
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If the answer to the above question is "Yes", does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: June 6, 2016	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the party's NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<sup>2</sup> Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

<sup>3</sup> The A4NR's NOI was filed on June 30, 2016; on July 21, 2016, A4NR filed the most recent copy of the bylaws, amended as of July 14, 2016. *See* Ruling at 5.

2a. The party's description of the reasons for filing its NOI at this other time:
2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge's ruling, or other document authorizing the filing of NOI at that other time:

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**  
**(Completed by the party intending to claim intervenor compensation)**

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>				
The party's statement of the issues on which it plans to participate:				
<p>A4NR is a signatory to the widely publicized June 21, 2016 Joint Proposal for the retirement of the Diablo Canyon Nuclear Power Plant, which PG&amp;E plans to file with the Commission in July. Pursuant to Section 5.4.2 of the Joint Proposal, A4NR supports PG&amp;E's requested revenue requirement in this A.16-03-006 but specifically "reserves the right to contest PG&amp;E's forecast and assumptions regarding spent fuel transfer to dry cask storage" in this proceeding. A4NR believes that transferring more spent fuel to dry casks prior to commencement of decommissioning will lower costs to the decommissioning trust, reduce financial uncertainty, free up revenue requirement for other beneficial purposes (like the worker retention and community impact mitigation payments recommended by the Joint Proposal), and better comply with the Commission's direction in D.14-08-032.</p>				
The party's explanation of how it plans to avoid duplication of effort with other parties:				
<p>A4NR will communicate with the other intervenors and ORA, and closely coordinate with any parties who also address the pace of transfer of spent fuel to dry casks. Based upon A4NR's participation in the meet-and-confer process and prehearing conference in this proceeding, it does not anticipate any duplication of effort.</p>				
The party's description of the nature and extent of the party's planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).				
<p>A4NR has substantially completed its discovery and will submit testimony, participate in hearings, and file briefs on PG&amp;E's forecast and assumptions regarding spent fuel transfer to dry cask storage.</p>				
<b>B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
John Geesman	90	570	51,300	
Rochelle Becker	20	140	2,800	
[Advocate 2]				
<b>Subtotal:</b>			<b>\$54,100</b>	

<b>COSTS</b>				
Transportation		1,000	1,000	
Copying/postage		200	200	
<b>Subtotal: \$1,200</b>				
<b>TOTAL ESTIMATE: \$55,300</b>				
<b>Estimated Budget by Issues: A4NR is still reviewing PG&amp;E's responses to data requests, and cannot further subdivide its already narrowly-focused issue further until it has advanced further in drafting its testimony.</b>				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**  
**(Completed by party intending to claim intervenor compensation)**

<b>A. The party claims "significant financial hardship" for its Intervenor Compensation Claim in this proceeding on the following basis:</b>	<b>Applies (check)</b>
1. "[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation" (§ 1802(g)); or	<input type="checkbox"/>
2. "[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding" (§ 1802(g)).	<input checked="" type="checkbox"/>
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding ( § 1804(b)(1)).	<input checked="" type="checkbox"/>
<p>Commission's finding of significant financial hardship made in proceeding number: <b>A.14-12-007</b></p> <p>Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: <b>ALJ Maribeth A. Bushey's conditional ruling of August 4, 2015, and A4NR's satisfaction of the condition on August 13, 2015.</b></p>	
<p><b>B. The party's explanation of the factual basis for its claim of "significant financial hardship" (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:</b></p> <p><b>The cost of A4NR's participation in A.16-03-006 will substantially outweigh the direct financial benefit to the individual members it represents. A4NR's members are residential and small business customers spread across California, and the individual economic interests in this proceeding among those who are PG&amp;E customers are small relative to the costs of effective participation. Although A4NR's contribution will be designed to create significant benefit across the entire PG&amp;E customer base, A4NR's members can expect to personally benefit by only a tiny fraction of the costs of A4NR's participation. Even when aggregated, it is highly unlikely that A4NR's members will see financial benefits that exceed its costs of intervention.</b></p>	

# ADMINISTRATIVE LAW JUDGE RULING

<p><b>1. The Notice of Intent (NOI) to Claim Intervenor Compensation has demonstrated the party’s status as a “customer” for the following reason(s):</b></p> <p>Alliance for Nuclear Responsibility (A4NR) asserts it is a category 3 customer as defined in §1802(b)(1)(C). Section 1802(b)(1)(C) organization must demonstrate that its articles of incorporation or bylaws authorize it to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)).</p> <p>On July 21, 2016, A4NR filed an amendment to the NOI, providing a current copy of A4NR’s bylaws, amended on July 14, 2016. The bylaws state:</p> <p style="padding-left: 40px;">The primary objectives and purposes of this organization shall be to educate the public on energy choices and to reduce the dangers associated with nuclear energy and nuclear waste and to take specific actions, including representing the interests of residential customers in California administrative proceedings, related to assuring public health from unsafe exposure to ionizing radiation.</p> <p>I find that A4NR has demonstrated its status as a “customer” under § 1802(b)(1)(C). I note that a prior version of A4NR’s bylaws<sup>4</sup> did not contain the required authorization, and therefore, the original NOI in this proceeding did not demonstrate ANR’s status as a “customer.” Therefore, A4NR’s eligibility in this proceeding begins with the filing date of the amendment to the NOI.</p>	<input checked="" type="checkbox"/>
---	-------------------------------------

---

<sup>4</sup> A copy of A4NR’s Bylaws was filed on August 13, 2015, in A.14-12-007. They state:

The primary objectives and purposes of this organization shall be to educate the public on energy choices and to reduce the dangers associated with nuclear energy and nuclear waste and to take specific actions related assuming public health from unsafe exposure to ionizing radiation.

This document does not indicate expressly or through reasonable inference, that ANR was authorized to advocate, litigate, or otherwise represent the interests of residential electrical customers.

<b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III(B) of the NOI (above).</b>	<input checked="" type="checkbox"/>
--	-------------------------------------

**IT IS RULED** that:

1. Alliance for Nuclear Responsibility has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. Alliance for Nuclear Responsibility has shown significant financial hardship.	<input checked="" type="checkbox"/>
3. Alliance for Nuclear Responsibility is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input checked="" type="checkbox"/>

Dated July 26, 2016, at San Francisco, California.

/s/ MARIBETH A. BUSHEY

Maribeth A. Bushey  
Administrative Law Judge